

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

(240) 777-6600

**Case No. S-2735**

**PETITION OF TANIE AND PIERRE GUIRAND**

OPINION OF THE BOARD  
(Opinion Adopted March 11, 2009)  
(Effective Date of Opinion: March 27, 2009)

Case No. S-2735 is an application for a special exception pursuant to Section 59-G-2.26 of the Zoning Ordinance to permit a large group home. The Hearing Examiner for Montgomery County held a hearing on the application on November 14, 2008, closed the record on January 23, 2009, and on February 25, 2009 issued a Report and Recommendation for approval of the special exception.

Decision of the Board:                      Special Exception **Granted** Subject  
To Conditions Enumerated Below.

The subject property is Lot 1, Block 36, Bel Pre Woods Subdivision located at 4101 Bel Pre Road, Rockville, Maryland 20853 in the R-200 Zone.

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on March 11, 2009. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1.     Petitioners shall be bound by all of their testimony and exhibits of record, including the Site Plan/Landscape Plan, Exhibit 29 to the extent that such testimony and evidence are identified in the Hearing Examiner's Report and recommendation and in the opinion of the Board of Appeals.
2.     The large group home must be limited to seniors suffering from dementia, with a maximum of 15 residents. No more than five employees shall be on site at one time.

3. Visiting hours must be limited to 10:00 a.m. to 7:00 p.m., seven days per week.
4. Deliveries to the site must be limited to no more than three per month.
5. The subject facility must not have any exterior signage.
6. In the event that the fence currently in place on an adjacent property along the western edge of the Bel Pre Road parking lot is taken down and not replaced within six months, Petitioners must erect a six-foot, wooden fence along the western edge of the parking lot for screening purposes.
7. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits or a use-and-occupancy permit, necessary to implement the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and facility comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Carolyn J. Shawaker, seconded by Walter S. Booth, with Stanley B. Boyd, David K. Perdue, Vice-Chair and Catherine G. Titus, Chair, in agreement, the Board adopted the following Resolution:

**BE IT RESOLVED** by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

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Catherine G. Titus  
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book  
of the Board of Appeals for  
Montgomery County, Maryland  
this 27<sup>th</sup> day of March, 2009.

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Katherine Freeman  
Executive Director

**NOTE:**

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure. It is each party's responsibility to participate in the Circuit Court action to protect their respective interests. In short, as a party you have a right to protect your interests in this matter by participating in the Circuit Court proceedings, and this right is unaffected by any participation by the County.